GOVERNMENT OF INDIA
POWER
LOK SABHA

STARRED QUESTION NO:236
ANSWERED ON:14.03.2008
HARASSMENT OF CONSUMERS BY PRIVATE POWER DISTRIBUTION COMPANIES
Renge Patil Shri Tukaram Ganpatrao;Sippiparai Shri A. Ravichandran

Will the Minister of POWER be pleased to state:

(a) whether the Union Government has received complaints regarding harassment to consumers by several Electricity Boards and private power distribution companies in the name of power theft;

(b) if so, the details of the complaints received during the last one year, State-wise;

(c) whether any action has been taken against the Board of Directors of any power distribution company for violation of rules and regulations framed under the Electricity Act, 2003 or directions issued by the Electricity Regulatory Commission so far;

(d) if so, the details thereof; and

(e) if not, the steps taken by the Government to save the consumers from their clutches?

Answer

THE MINISTER OF POWER (SHRI SUSHILKUMAR SHINDE)

(a) to (e) : A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (e) OF STARRED QUESTION NO. 236 TO BE ANSWERED IN THE L O K SABHA ON 14.03.2008 REGARDING HARASSMENT OF CONSUMERS BY PRIVATE POWER DISTRIBUTION COMPANIES.

(a) to (e) : The Electricity Act, 2003 contains provisions for control of theft of electricity. Electricity is a concurrent subject. Therefore, these provisions are to be implemented by the concerned organizations, that is the appropriate State Government, State Electricity Regulatory Commission (SERC), Distribution licensee, Court having jurisdiction or the Special Court constituted by the State Government.

For protecting the interests of the consumers, the provisions of the Act relating to offence of theft of electricity have also incorporated appropriate safeguards which are summarized below:-

Section 135 of the Act provides that the occupant of the place being searched or any person on his behalf shall remain present during the search and a list of all things seized in the course of such search shall be prepared and delivered to such occupant or person who shall sign the list; further no inspection, search and seizure of any domestic place or domestic premises shall be carried out between sunset and sunrise except in the presence of an adult male member occupying such premises. The provisions of section 135 further provide that provisions of the Code of Criminal Procedure, 1973, relating to search and seizure shall apply, as far as may be, to searches and seizure under the Electricity Act.

Section 135 (1A) of the Act provides that without prejudice to the provisions of the Act, the licensee or supplier as the case may be, upon detection of such theft of electricity, may immediately disconnect the supply of electricity provided that only such officer of the licensee or supplier who has been authorized by the Appropriate Commission or any other officer of the licensee or supplier higher than the rank so authorized shall disconnect the supply line of electricity. The said section further provides that the officer of the licensee or supplier shall lodge a complaint with regard to the commission of such offence in writing in the police station having jurisdiction within twenty four hours. The section also provides that on deposit or payment of the assessed amount, the licensee or the supplier shall without prejudice to the obligation to lodge the complaint, restore the supply line of electricity within forty eight hours of such deposit or payment.

Section 152 provides a mechanism for compounding of the offences of theft on payment of a certain amount for various categories of consumers and once a person deposits the specified amount, he shall be, if in custody, set at liberty, and no proceedings shall be instituted or continued against such consumer or person in any criminal court.

Section 153 of the Act provides that the State Government may, for the purpose of speedy trial of offences referred to in sections 135 to 139 of the Act including theft of electricity, constitute as many Special Courts as may be necessary for such area or areas.

Under section 142 of the Act, the Appropriate State Electricity Regulatory Commissions (SERCs) have power to impose penalty on distribution companies for contravention of the regulations, rules made under the Act or directions issued by the Electricity Regulatory

Commissions. Under section 146 of the Act, the Competent Court has jurisdiction to impose punishment and fine in case of non-compliance of any order or directions given under the Act, or contravention or attempt or abetment of the contravention of any of the provisions of the Act or any rules or regulations made there under.

Representations are received in the Ministry of Power from various sources from time to time on various issues relating to power sector including theft related matters. As can be seen from the above, action in the complaints regarding harassment in theft related cases is to be taken by the concerned authority/agency/Court. As such the Central Government does not maintain information about the action taken in individual cases by the appropriate State Government, SERCs or the Courts.